

REMARKS/ARGUMENTS

The specification has been amended to make editorial changes to place the application in condition for allowance at the time of the next Official Action. On page 6 of the specification, a description of the ring-shaped intermediate section or circular disc-shaped section is added. Since this feature is supported by Figure 9 of the application as filed, the addition of this feature is not new matter.

Claims 11-28 were previously pending in the application. New claim 35 is added. Therefore, claims 11-28 and 35 are presented for consideration.

Claims 11-28 are amended and are believed to address the 35 USC §112, second paragraph rejections noted in the Official Action. As set forth above, the recitation of claim 25 has support in Figure 9 of the application as filed.

Claims 11-25, 27 and 28 are rejected as anticipated by MORTIER et al. 6,332,893.

Reconsideration and withdrawal of the rejection are respectfully requested because the reference does not disclose or suggest at least one stabilizing element on an

atrial side of the cardiac valve as recited in claim 11 of the present application.

By way of example, page 6, lines 19-21 of the present application disclose that stabilizing element or elements 14 might be arranged between the two leaflet bases 8 and 10 respectively, at the atrial side of the prolaps. As seen in Figure 8 of the present application, the atrial side is the right side of orifice O and the ventricle chamber is on the left of the plane O such that the direction of blood stream is from the right to left.

The device of MORTIER et al. creates improved ventricle chamber geometry. The device 20 has a basal anchor 22 and elongate tension member 24 extending from the basal anchor 22 into the ventricle chamber (ventricle side). MORITIER et al. does not disclose or suggest at least one stabilizing element on an atrial side of the cardiac valve as recited in claim 11 of the present application.

Claim 11 further recites that the stabilizing element has been brought into a selected position at each of the leaflet bases causing the leaflet bases to be

interconnected by means of the stabilizing element which is extended across the atrial side of the cardiac valve.

MORTIER et al. disclose alternative embodiments in Figures 7-9, for example wherein tension members 24, 124 or 224 are connected to basal anchors 22, 122, 222 respectively. However, the leaflet bases are neither interconnected by the stabilizing element nor does the stabilizing element extend across the atrial side of the cardiac valve as recited in claim 11 of the present application.

As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12, 13 and 14 also recite at least one stabilizing element at an atrial side of a valve annulus and that the leaflet bases are interconnected by means of the stabilizing element which is arranged to extend across the atrial side of the cardiac valve. The comments above regarding claim 11 are equally applicable to claims 12, 13, and 14.

Claims 12 and 14 further recite a steerable applicator for endovascular entrance into a left atrial for steering the stabilizing element into a selected position at each of the leaflet bases. As seen in Figure 12 of the present application, the steerable device 32 is part of the repair means of the present application.

MORTIER et al. do not disclose a steerable applicator that is part of the repair device.

Claims 15-28 depend from one of claims 11-14 and further define the invention and are also believed patentable over the cited prior art.

In addition, claim 15 recites that the distance between the anterior and posterior leaflet bases is adjustable by varying the length of the stabilizing element.

Column 3, lines 40-50 of MORTIER et al. noted in the Official Action disclose that ring 22 is sewn proximate to the annulus of valve 14. Sutures are evenly spaced through the fibrous structure of the annulus and subsequently, the annulus can be decreased in size by drawing the annulus toward suture ring by the sutures. As soon as the insertion points of the suture abut the ring

22, the sutures are fixed in place. However, once the sutures are fixed in place no adjustment is possible.

In claims 16 and 17, stabilizing elements 14 support the leaflets 4, 6 as seen in Figure 8, for example to repair prolaps. In addition, stabilizing elements are on the atrial side of the valve.

Claim 23 recites that the strip or band is net-shaped. The Official Action states that Figure 6 of MORTIER et al. disclose a net-shaped tensioning member. Further clarification of this rejection is respectfully requested.

Claim 24 of the present application recites that an intermediate section of the strip or band is shaped in the form of a ring and claim 25 recites that an intermediate section of the strip or band is shaped in the form of a circular disc.

The Official Action states that reference number 22 in Figure 4 of MORTIER et al. teaches these features. A definition of intermediate is: lying or occurring between two extremes or in a middle position. The basal anchor of MORTIER et al. is at one end of tensioning member 20 and is not an intermediate section. Accordingly, none of the

above features are disclosed in the references and thus these claims are believed patentable regardless of the patentability of the claims from which they depend.

Claim 26 is rejected as unpatentable over MORTIER et al. in view of SCHRECK 6,454,799. This rejection is respectfully traversed.

SCHRECK is only cited for the teaching of a catheter encased in an inserting device. SCHRECK does not teach or suggest what is recited in claim 12. As set forth above, MORTIER et al. do not disclose or suggest what is recited in claim 12. Since claim 26 depends from claim 12, and further defines the invention, the combination of references would not render obvious claim 26 of the present application.

New claim 35 recites a means for interconnecting and reducing a distance between the anterior and posterior leaflet bases of cardiac valve. New claim 35 is written in 35 USC §112 sixth paragraph means-plus-function format. Accordingly, any applied prior art must teach identical or equivalent structure that performs the exact recited function of interconnecting and reducing the distance between the anterior and posterior leaflet bases of the

cardiac valve as disclosed on page 5, line 13 through page 6, line 26 of the present application.

Applicants believe that the basal ring and tensioning members that change the cross sectional geometry of the ventricle in MORTIER et al. are not identical or equivalent structure that performs the exact recited function of interconnecting and reducing a distance between the anterior and posterior leaflet bases on an atrial side of the cardiac valve as recited in claim 35 of the present application.

Accordingly, it is believed that the new claim avoids the rejection under §102 and is allowable over the art of record.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

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The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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